



# UNITED STATES PATENT AND TRADEMARK OFFICE

NW

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,787	03/01/2000	Steven M.H. Wallman	10392/46801	3234

7590 02/24/2004

KENYON & KENYON  
1500 K STREET NW  
SUITE 700  
WASHINGTON, DC 20005-1257

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/516787

Applicant(s)

Wellson

Examiner

Harris, G

Art Unit

2624

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/26/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Reply to Response***

1. This action is issued in reply to Applicant's Response(Paper #9) entered 12/16/03.
2. No claims were amended. None were added. None were deleted.
3. Claims 1-76 are pending.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-76 are rejected under 35 USC 103(a) as unpatentable over Hawkins(US Pat. No: 6,247,000) in view of Garber(US Pat. No: 5,963,923).
6. As per claims 1-76 Hawkins teaches a system for confirmation and settlement for financial transactions matching(Abstract)(Figs 1-30)(col 4 line 20-col 5 line 28) as well as a share based transaction(Fig 9) as well as currency based transactions(Fig 14).Hawkins further teaches matched confirmations(Fig 2D/34a). Hawkins also teaches securities(share-based) and cash-based settlements transactions(Fig 3/7/11) in settlements which could be combined. Hawkins thus teaches share based transactions(Fig 9/221f/221e) and cash-based transactions(Fig 3/11) in the same system. Hawkins also teaches a share-based transaction system(Fig 11/2211) which includes charges(Fig 11/228) and forms a share-based and cash based combined

Art Unit: 3624

transaction. Hawkins further teaches buying bonds(quantity) with accrued interest(Fig 12/330a) and charges(Fig 12/331) which is a combined quantity based and cash based transaction. Hawkins discloses a securities-based transaction(Fig 25/456) and an FX match(cash-based transaction in a combined settlement(Fig 25/458/459) as well as a quantity-based order(Fig 27A) and a cash-based order(Fig 27A/500b).In addition to that taught by Hawkins, Garber teaches an electronic brokerage and trading network(Abstract) for a plurality of financial instruments(Figs 1-10)(col 3 line 41-col 5 line 6) and transactions(Fig 9).Garber further teaches quantity of securities(Fig 3/46) and a currency based transaction on cross rates(Fig 6/52) as well as an inventory change screen(Fig 9 )of quantities. It would have been obvious to one skilled in the art at the time of the invention to combine Hawkins in view of Garber to teach the disclosure. The motivation to combine Hawkins in view of Garber is to teach financial transactions matching utilizing the best aspects of a combined trader and broker function who makes a two-sided bid/offer market as enunciated by Garber(col 3 lines 45-50).

### ***Response to Arguments***

7. Applicant's arguments have been considered but are not persuasive. Hawkins also teaches securities(share-based) and cash-based settlements transactions(Fig 3/7/11). Hawkins also teaches a share-based transaction system(Fig 11/2211) which includes charges(Fig 11/228) and forms a share-based and cash based combined transaction. Hawkins further teaches buying bonds(quantity) with accrued interest(Fig 12/330a) and charges(Fig 12/331) which is a combined quantity based and cash based transaction.

Art Unit: 3624

Hawkins discloses a securities-based transaction(Fig 25/456) and an FX match(cash-based transaction in a combined settlement(Fig 25/458/459) as well as a quantity-based order(Fig 27A) and a cash-based order(Fig 27A/500b). Garber teaches an electronic brokerage and trading network(Abstract) for a plurality of financial instruments(Figs 1-10)(col 3 line 41-col 5 line 6) and transactions(Fig 9).Garber further teaches quantity of securities(Fig 3/46) and a currency based transaction on cross rates(Fig 6/52) as well as an inventory change screen(Fig 9) of quantities.

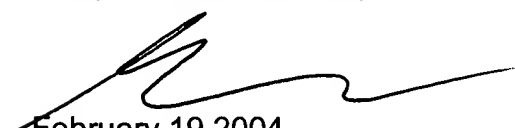
***Conclusion***

**8 THIS ACTION IS MADE FINAL.**

\*\*\*\*\*

9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the undersigned are unsuccessful, the superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



February 19,2004

**DR. GEOFFREY R. AKERS, P.E.**  
**PRIMARY EXAMINER**